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Separate paging is given to this Part in order that it may be filed as a separate compilation.

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RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 30th January, 1976 :—

I

BILL NO. X OF 1976

A Bill further to amend the Hindu Marriage Act, 1955

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Hindu Marriage (Amendment) Act, 1976.

(*2*) It extends to the whole of India.

25 of 1955.

Insertion of new section 7A.

2. After section 7 of the Hindu Marriage Act, 1955, the following section shall be inserted, namely.—

Ceremonies for a Hindu marriage in special cases.

"7A. (*1*) A marriage between any two Hindus may also be solemnized in the presence of relatives and friends of the parties to the marriage or other persons by each party to the marriage declaring in any language understood by the parties that each takes the other to be his wife or as the case may be her husband, and,

(*a*) by each party to the marriage garlanding the other or putting a ring upon any finger of the other; or

(*b*) by the tying of a *thali* or a *mangalasutra* to the bride by the bride-groom.

(2) Notwithstanding anything contained in section 7 or in any text, rule or interpretation of Hindu law or any custom or usage as part of that Law in force immediately before the commencement of the Hindu Marriage (Amendment) Act, 1976, or in any other law in force immediately before such commencement or in any judgment, decree or order of any court, but subject to sub-section (3) of this section, all marriages solemnized according to ceremonies laid down in sub-section (1) of this section before such commencement shall be deemed to have been, with effect on, and from, the date of the solemnization of each such marriage, respectively, good and valid in law.

(3) Nothing contained in this section shall be deemed to—

(a) render valid any marriage referred to in sub-section (2) of this section, if before the commencement of the Hindu Marriage (Amendment) Act, 1976—

(i) such marriage has been dissolved under any custom or law; or

(ii) either party to such marriage has, whether during or after the life of the other party thereto, lawfully married another;

(b) render valid a marriage between any two Hindus solemnized at any time before such commencement of the Hindu Marriage (Amendment) Act, 1976, if such marriage was invalid at that time on any ground other than that it was not solemnized in accordance with the customary rites and ceremonies of either party thereto.

(4) (a) A child of the parties to a marriage referred to in sub-section (2) of this section born of such marriage shall be deemed to be their legitimate child.

(b) A child begotten before the date of dissolution of the marriage under sub-clause (1) of clause (a) of sub-section (3) of this section or before the date of the second of the marriages referred to in sub-clause (ii) of clause (a) of sub-section (3) of this section shall also be deemed to be the legitimate child of such parties.

STATEMENT OF OBJECTS AND REASONS

The Hindu Marriage Act, 1955 (Act XXV of 1955) has entirely changed the nature and content of a Hindu marriage. A Hindu marriage was purely a sacramental union, dissoluble only by death. The Hindu marriage Act, 1955, however, declared a Hindu marriage not only dissoluble, but also enabled the Hindus to marry each other irrespective of their *varna*, caste or *gotra*. A Hindu marriage was a sacrament according to *shastras* because its purpose was to enable a Hindu male to have offsprings so that he could get *mukti* after his death. The Hindu Marriage Act by making bigamy unlawful and by not allowing divorce on the ground of inability of either spouse to procreate, weaned away from the Hindu marriage its sacramental nature. Yet the wording of section 7 of the Hindu Marriage Act according to which a Hindu marriage can be solemnized only if the ceremonies performed are according to customs of either party, makes it appear that the Parliament had intended a Hindu marriage to remain a sacrament.

This provision has led the courts to believe that a Hindu marriage remains a sacrament and a whole lot of decisions have been given wherein Hindu marriages not performed in accordance with the customary rites and ceremonies of the parties concerned were declared invalid. Many marriages which were solemnized in a simple manner which did not involve the presence of priests, chanting of *mantras* in front of the sacred fire, and many other outdated ceremonies were declared invalid by the then Madras High Court.

Because of these decisions, the Madras Legislature (as it was then called) passed a law amending section 7 of the Hindu Marriage Act providing that a marriage can be performed without performing the traditional ceremonies.

This Bill also aims to make a similar provision whereby the obligation to perform traditional ceremonies for a Hindu marriage can be dispensed with. Such a measure, it is felt, will help to give a feeling of strength and self-dependence to the parties to a marriage and will also go a long way in curbing avoidable expenditure on Hindu marriages.

SHIV DAYAL SINGH CHAURASIA.

II

BILL NO. XIII OF 1976

A Bill to provide for a scheme to train workers in the discipline of trade unionism and to bring consciousness amongst workers about their responsibilities in a democratic society with a view to enabling them to play their role in the social and economic development of the country.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Workers' Education Scheme Act, 1976.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Workers' Education Scheme.

2. The Central Government shall, in consultation with the State Governments, formulate for the purposes of this Act a scheme known as the Workers' Education Scheme (hereinafter referred to as the Scheme).

Objects of the Scheme.

3. The objects of the Scheme shall be as follows:—

(*i*) to develop strong, responsible and effective trade unions by manning them with trained officials and more enlightened members;

(*ii*) to develop responsible leadership from amongst the rank and file of the workers and promote the growth of democratic processes and traditions in trade union organisation and administration;

(*iii*) to equip organised labour to take its proper place in a democratic society and to fulfil effectively its social and economic obligations; and

(*iv*) to promote among workers a greater awareness of the problems of their economic environment and their rights and obligations as union members and officials, and as citizens.

Board of Directors.

4. The general superintendence, direction and management of the Scheme shall vest in a Board of Directors, which shall consist of the following, namely:—

(*a*) Minister of Labour, who shall be *ex-officio* Chairman of the Board;

(*b*) two members of the Lok Sabha and one member of the Rajya Sabha to be elected by the members of Lok Sabha and Rajya Sabha respectively;

(*c*) one member from each of the State Legislatures to be elected by the members of the Legislature of the State;

(*d*) one representative each of the Ministries of Industry and Civil Supplies, Railways and Labour;

(*e*) one representative each of the University Grants Commission and the Indian Adult Education Association; and

(*f*) four representatives of recognized trade union organizations.

Advisory Committee.

5. (*1*) The Central Government shall constitute as many Advisory Committees as it thinks fit but not exceeding one for each State to advise the Central Government on any matter arising out of the administration of this Act or the Scheme.

(*2*) The members of the Advisory Committees shall be appointed by the Central Government, and shall be of such number and chosen in such manner as may be prescribed by the rules made under this Act.

(*3*) The Chairman of each Advisory Committee shall be appointed by the Central Government.

(*4*) The Central Government shall publish the names of all members of the Advisory Committees in the Official Gazette.

Capital of the Scheme.

6. (*1*) The capital of the Scheme shall be such sum as the Central Government may fix.

(*2*) The Central Government may from time to time increase the capital of the Scheme to such extent and in such manner as it may determine.

(*3*) The Central Government shall publish annually in the Official Gazette a report of the activities of the Scheme together with an estimate of receipts and expenditure of the Scheme and a statement of account.

Power to make rules.

7. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule

STATEMENT OF OBJECTS AND REASONS

The Workers' Education Scheme was introduced in India in 1958 by the Government of India to give instruction to workers in the trade union philosophy, rights and duties of workers, collective bargaining and allied matters with a view to promoting the development of trade unions on sound democratic lines. The present set up has no doubt served well during the last sixteen years, but it does need a second look. A fresh thinking is required about the most suitable organisational framework for the promotion of workers' education in India. Foremost among the deficiencies of the present administrative machinery is that it operates in too officious a manner and has, therefore, all the shortcomings of a bureaucratic system. Any administrative framework associated with the education of workers should be elastic and should exude a liberal atmosphere for putting all the participants at ease and in a proper mood of receptivity.

To achieve this objective, it is imperative that the Scheme should be formulated, administered and implemented mainly by the trade unions themselves. But as observed by the Estimates Committee (Fifth Lok Sabha) the time for outright transfer of the Scheme of Workers' Education in its entirety to the trade unions has not yet come. A beginning, however, has to be made. To start with, current procedures and rules for giving aid to unions for workers' education should be simplified and adapted to the structure and needs of unions consistent with accountability of public funds. Employers should cooperate with unions by giving workers such facilities as are made available by them for the programme under the Board.

National Trade Union Centres should draw up a suitable programme for union organisers in collaboration with universities and research institutions. It should cover practical fieldwork and education in fundamentals of trade unionism, industrial relations, labour laws and evolution of country's economy. Government should encourage universities to provide extension courses for the benefit of trade union leaders and organisers. We should endeavour to have university-type institutions on the lines of Ruskin College of England, Workers' University of Yugoslavia or Labour colleges of American Universities.

The Bill seeks to give a statutory shape to the Workers' Education Scheme sponsored by the Ministry of Labour so as to make it more purposeful and useful to the workers.

JAGAN NATH BHARDWAJ

FINANCIAL MEMORANDUM

Clause 3 empowers the Central Government to formulate a Workers' Education Scheme. The Scheme, which has been in vogue since 1958, has already incurred an expenditure of Rs. 800 lakhs. As more and more workers are given training the expenditure will continue to increase. Under clause 6 of the Bill, the Central Government is empowered to pay to the Scheme in each financial year such amount as it may consider necessary. A recurring expenditure of Rs. 1 to 1½ crores per annum can be expected.

Clause 4 empowers the Central Government to constitute a Board of Directors to supervise the working of the Scheme etc. On account of this, meetings of the Board may have to be convened. Though it will not be possible to assess accurately the number of meetings of the Board will be held in a year; T.A. and D.A. on account of Board meetings may be to the tune of Rs. 50,000 to 60,000 per annum.

A non-recurring expenditure of Rs. 100,000 will be incurred on the setting of office, purchase of furniture, etc.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill seeks to empower the Central Government to make rules for carrying out the purposes of the legislation. The matters in respect of which rules may be made are of administrative nature and the delegation of legislative power is of a normal character.

B. N. BANERJEE,
Secretary-General.

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